



Date: May 6, 2021

To: EMDF Project Team (DOE, EPA, TDEC, UCOR)

From: Emerging Issues Team (DOE, EPA, TDEC, UCOR)

EMDF Project Team Members,

DOE is on the verge of submitting the EMDF D1 Record of Decision (ROD). As a result of significant effort by all FFA parties, D1 ROD language has been agreed upon to reflect resolution of several EMDF issues such as:

- Site Characterization
- Underdrains, and
- DOE Assessments

However, during the April 22, 2021 Executive Leadership Team meeting, a need was identified to ensure the EMDF D1 ROD better reflects reasonable agreement between the 3 FFA parties in several key areas:

1. Waste Acceptance Criteria (WAC)
2. Applicable or Relevant and Appropriate Requirements (ARARs) (Note: this topic may not be fully resolved in 1.5 months)
3. Mercury management and discharge limits

Being mindful to balance finalization of draft content with schedule needs, the Executive Leadership Team (ELT) agreed to delay DOE's planned early submittal of the D1 ROD, and tasked the Emerging Issues Team (EIT) to develop an approach to make the necessary changes to the D1 ROD in support of a timely submittal.

The EIT has subsequently agreed that the early submission of the D1 ROD will be delayed 2 months but the submittal will still meet the July 12, 2021 milestone for the D1 ROD submittal. This 2 month delay will allow 1.5 months for the EIT and the EMDF Project Team to incorporate reasonable agreement on the topics identified above, and another 2 weeks for DOE and UCOR to finalize the D1 ROD for submission. In addition, to maintain the current D1 ROD submittal milestone schedule and support the desired EMDF project schedule, the EPA and TDEC will reduce their D1 ROD initial review time from 5 months back to the standard review cycle period of 3 months.

To achieve the language revision needed to reasonably reflect agreements on these key topics, the EIT is requesting the assistance of the EMDF Project Team, as follows:

- Beginning the week of May 10, 2021, the EMDF Project Team will conduct at least three workshops on the three topics (i.e., WAC, ARARs, and mercury).
- These workshops will focus on developing D1 ROD language that reasonably reflects agreements amongst the FFA parties on these key topics.
- These workshops will be scheduled as needed to produce the desired D1 ROD language no later than June 18, 2021.
- The EMDF Project Team must keep in mind that this effort is not the FFA party review of the D1 ROD. These workshops will focus on necessary D1 ROD language to reflect fundamental agreements, not on secondary or more editorial points that will be resolved during the normal D1 review and subsequent resolution of comments.

The EIT will work, as needed, to facilitate and coordinate the conduct of these workshops and the development of D1 ROD language. We will also ensure that the appropriate people are included in each workshop. Following this effort DOE/UCOR will include the language agreed to by the FFA parties in the D1 ROD.

To support this effort the EMDF Project Team will need to meet much more frequently. In addition, once the D1 ROD is submitted, its review and comment resolution will require a similar level of engagement. EMDF Project Team members will need to adjust their schedules and commitments in order to provide adequate support to the EMDF Project.

Another topic closely related to the EMDF ROD submittals is the finalization of the Focused Feasibility Study (FFS) for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation. The EIT will be providing guidance in the near future on the general approach to submittal of a D3 FFS.

In addition, agreement on public involvement for the EMDF ROD is being addressed. The EIT has developed a proposed public engagement plan for discussion with the ELT later this month. When finalized, this public involvement plan will be implemented by DOE with engagement of EPA, TDEC, and UCOR.

EMDF is vitally important to the cleanup mission at Oak Ridge. We are sure you are aware of the work that is required to reach an approved EMDF ROD, as well as the schedule challenge we are facing. As we work to meet this challenge, please ensure that your respective EIT member(s) are aware of any problems or questions you might have.

EIT Members:

Glenn Adams, EPA
 Cathy Amoroso, EPA
 Steven Stout, TDEC
 Pat Flood, TDEC
 Roger Petrie, DOE
 Sam Pack, UCOR
 Tony Poole, UCOR